

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 08-62613

JIMMY RAY HOSKINS,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER VACATING “ORDER TO CONVERT TO CHAPTER THIRTEEN”
(DOCKET # 32)**

On March 2, 2009, Debtor filed a “Motion to Convert to Chapter Thirteen” (the “Motion” Docket # 32). Debtor also filed a purported 20-day notice of the Motion, but it was stricken, and a deficiency notice was issued (Docket ## 21-23). Then, Debtor filed a new purported 20-day notice, which also was stricken (Docket ## 24-25). Finally, Debtor filed a proper 20-day notice (Docket # 27). However, Debtor has never filed a certificate of service of the 20-day notice. On March 15, 2009, Debtor filed a Certificate of Non Response indicating that no one had objected to the Motion.

On March 17, 2009, the Court entered an “Order to Convert To Chapter 13” (Docket # 32). This Order was entered in error because there is no certificate of service of the 20-day notice (Docket # 27) in the record. The certificate of service filed on March 17, 2009, at Docket # 31, is not such a certificate, despite the (erroneous) label given for this certificate on the docket by Debtor’s counsel. For these reasons,

IT IS ORDERED that the Court’s “Order to Convert To Chapter 13” (Docket # 32) is VACATED.

Signed on March 17, 2009

/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge